

P3  
34. (Amended) The 1C5.24.1 monoclonal antibody produced by the hybridoma cell line deposited as ATCC accession number HB-12543.

PMB3  
4  
51. (Amended) An article of manufacture, comprising a container and a composition contained within said container, wherein the composition includes [Apo-2DcR polypeptide or] Apo-2DcR antibodies of claim 15.

52. (Amended) The article of manufacture of claim 51, further comprising instructions for using the [Apo-2DcR polypeptide or] Apo-2DcR antibodies *in vivo* or *ex vivo*.

#### REMARKS

In the Office Action dated July 16, 1999, the Examiner issued a restriction requirement under 37 CFR Section 121 of claims 1-54 pending in the application. Applicants hereby elect to prosecute the claims of Group II (claims 15-34 and 50-52) drawn to antibodies, hybridoma cell lines and articles of manufacture comprising the antibodies. Accordingly, claims 1-14, 35-49 and 53-54 have been canceled without prejudice in the amendment above, as being drawn to the non-elected inventions of the instant application.

The remaining claims have been amended to further reflect the election made herein, and to refer to the specific accession numbers assigned by ATCC. For the Examiner's reference, a copy of the confirmation sheet from the ATCC is attached to this response. This confirmation sheet shows the accession numbers which have been designated for Applicants' deposited materials with ATCC.

Respectfully submitted,  
GENENTECH, INC.

Date: October 15, 1999

By: Diane L. Marschang  
Diane L. Marschang  
Reg. No. 35,600

1 DNA Way  
So. San Francisco, CA 94080-4990  
Phone: (650) 225-5416  
Fax: (650) 952-9881



10801 University Boulevard  
Manassas, VA 20110-2209  
Telephone: 703-365-2700  
Facsimile: 703-365-2745

BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF  
THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE

**INTERNATIONAL FORM**

RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT ISSUED PURSUANT TO RULE 7.3  
AND VIABILITY STATEMENT ISSUED PURSUANT TO RULE 10.2

To: **Genentech, Inc.**  
**Atn: Diane L. Marschang**  
**1 DNA Way**  
**So. San Francisco, CA 94080-4990**

Deposited on Behalf of: **Genentech, Inc. (Ref. Docket P111OP1)**

Identification Reference by Depositor:	ATCC Designation
Murine hybridoma cell line 4G3.9.9	HB-12541
Murine hybridoma cell line 6D10.9.7	HB-12542
Murine hybridoma cell line 1C5.24.1	HB-12543

The deposits were accompanied by: a scientific description \_\_\_ a proposed taxonomic description indicated above. The deposits were received June 11, 1998 by this International Depository Authority and have been accepted.

AT YOUR REQUEST: ☒ We will not inform you of requests for the strains.

The strains will be made available if a patent office signatory to the Budapest Treaty certifies one's right to receive, or if a U.S. Patent is issued citing the strains, and ATCC is instructed by the United States Patent and Trademark Office or the depositor to release said strains.

If the cultures should die or be destroyed during the effective term of the deposit, it shall be your responsibility to replace them with living cultures of the same.

The strains will be maintained for a period of at least 30 years from date of deposit, or five years after the most recent request for a sample, whichever is longer. The United States and many other countries are signatory to the Budapest Treaty.

The viability of the cultures cited above was tested July 21, 1998. On that date, the cultures were viable.

International Depository Authority: American Type Culture Collection, Manassas, VA 20110-2209  
USA.

Signature of person having authority to represent ATCC:

  
Barbara M. Hailey, Administrator, Patent Depository

Date: July 23, 1998